## IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:11-cr-147

UNITED STATES OF AMERICA	)	
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V.	) _	ORDER
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**THIS MATTER** is before the Court upon the defendant's Motion to Dismiss (Doc. No. 15), to which the government does not object (Doc. No. 18), and the government's Motion for Forfeiture (Doc. No. 16).

For the reasons stated in the defendant's motion, the Court finds good cause to dismiss the indictment without prejudice pursuant to <u>United States v. Simmons</u>, 649 F.3d 237 (4th Cir. 2011). Upon the dismissal of the indictment, the Court finds that the firearm is not subject to forfeiture to the United States in this proceeding.

**IT IS, THEREFORE, ORDERED** that the Indictment (Doc. No. 1) is DISMISSED without prejudice.

**IT IS FURTHER ORDERED** that the government's Motion for Forfeiture (Doc. No. 16) is DENIED.

Signed: September 28, 2011

Robert J. Conrad, Jr.

Chief United States District Judge